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REMARKS

Favorable reconsideration and allowance of the claims of the present application, as amended, is respectfully requested.

The Office Action rejected claims 1-2, 7-9, 11-13, 17-19, 21-23, 28-30, 32 and 57 under 35 U.S.C. §102(a) as allegedly being unpatentable over US Patent No. 6,557,015 ("Bates et al.") in view of Cogeshall, John, "Breadcrumb Navigation", <http://www.zend.com/zend/spotlight/breadcrumb28.php>, 04/10/2001, pp. 1-4 ("Zend").

The Office Action further rejected claims 33-34, 37-42, 45-50, 53-56 and 58 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bates et al. in view of Zend and in further view of US Patent No. 5,806,077 to Wecker ("Wecker").

The Office Action further rejected claims 3-4, 10, 14-15, 20, 24-25 and 31 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bates et al. in view of Zend and in further view of a reference entitled "Privacy Compliance Resources, "Cookies" (dated 2/11/01), pp. 1, http://web.archive.org/web/20010210192514/http://www.idcide.com/pages/res_term.htm (hereinafter "Cookies").

The Office Action further rejected claims 35, 43 and 51 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bates et al. in view of Zend and in further view of Cookies and further in view of Wecker.

Applicant respectfully traverses the rejections. In all of the above section 103(a) rejections, the Office Action cites Bates et al. as the primary reference. Without conceding to the propriety of the Office Action's arguments on the merits over Bates et al., applicant believes that Bates et al. is not a proper reference at least by virtue of 35

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U.S.C. §103(c). That section “disqualifies as prior art subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) if that subject matter and the claimed invention ‘were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.’” See MPEP 706.02(k). Bates et al.’s filing date is September 18, 1998 and patent issue date is April 29, 2003. The filing date of the present application is July 11, 2001. Accordingly, the Office Action appears to be applying Bates et al. under 103(a) via 102(e). In addition, both Bates et al. and the present application are assigned to International Business Machines Corporation, Armonk, NY. Therefore, under 35 U.S.C. §103(c), Bates et al. is not prior art. A phone call on August 9, 2006 to USPTO Examiner Adam L. Basehoar confirmed that the Examiner agrees that Bates et al. falls under 35 U.S.C. §103(c).

As for the newly cited Zend reference, Zend alone or in combination with other cited references, fail to disclose, suggest, or teach every element claimed in the claims of the present application. For instance, Zend alone or in combination with other cited references, does not disclose, suggest, or teach at least: “programmatically generating, at said client, a breadcrumb ... storing breadcrumbs ... dynamically updating, at said client, the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of URLs associated with the web pages visited at the Website without downloading from said web server any information describing a web page’s location in a web site hierarchy” as claimed in independent claims 1 and 12; “browser script executed by said web browser ... programmatically generating, at said client, a breadcrumb for each web page downloaded to the web browser associated with the client, the generated breadcrumb including navigation information comprising a URL associated with each

web page downloaded by a user ... dynamically updating, at said client, the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of URLs associated with the web pages visited at the Website without downloading from said web server any information describing a web page's location in a web site hierarchy" as claimed in independent claim 22; "browser script executed by said web browser ... programmatically generating and storing breadcrumbs associated with web pages downloaded to the web browser from the web server associated with the Website at the client, the breadcrumbs including navigation information comprising a URL associated with downloaded web pages and forming a breadcrumb navigation trail of URLs associated with the web pages visited at the Website without downloading from said web server any information describing a web page's location in a web site hierarchy" as claimed in independent claim 33; "browser script ... programmatically generating and storing breadcrumbs associated with web pages downloaded to the web browser from the web server associated with the Website at the client, the breadcrumbs including navigation information comprising a URL associated with downloaded web pages and forming a breadcrumb navigation trail of URLs associated with the web pages visited at the Website without downloading from said web server any information describing a web page's location in a web site hierarchy" as claimed in independent claim 41; "browser script executed by said web browser ... programmatically generating and storing breadcrumbs associated with web pages downloaded to a web browser from a web server associated with the Website at a client, the breadcrumbs including navigation information comprising a URL associated with downloaded web pages and forming a breadcrumb navigation trail of URLs associated with the web pages visited within the Website


without downloading from said web server any information describing a web page's location in a web site hierarchy" as claimed in independent claim 49; and "generating, at said client, a breadcrumb ... dynamically updating, at the client, the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of URLs associated with the web pages visited at the Website without downloading from said web server any information describing a web page's location in a web site hierarchy" as claimed in independent claims 57 and 58.

As understood by applicant, Zend at most discloses to generate the breadcrumb path using PHP scripting. As understood by applicant, PHP is a server-side scripting language. Zend thus appears to generate an HTML page using the PHP script at the server side and return the HTML page to the client's browser for display. Zend, therefore, does not disclose, suggest or teach the claims of the present application.

For at least these reasons, the Examiner is respectfully requested to withdraw the rejection of independent claims 1, 12, 22, 33, 41, 49, 57 and 58 and all claims dependent directly or indirectly dependent thereon.

In view of the foregoing remarks, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call applicant's attorney at (516) 742-4343.

Respectfully submitted,



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